



CITY OF MEMPHIS

COUNCIL AGENDA

December 1, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 17, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating the Georgian Hills Middle School Football Team.

Ware

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION recognizing the outstanding work of "Gunner" of the Memphis Police Department K-9 Unit.

Boyd

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARING

3. RESOLUTION approving a street/alley closure beginning on the west side of Watkins Street, 155 feet south of Madison Avenue and extending west 361 feet, containing 12 acres.

Morrison

Case No. SAC 09-607

Applicant: Medical Education and Research Institute
Brenda Solomito – Representative

Request: Close a portion of an existing, improved alley and dedicate and improve a new north/south alley

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES MAILED ON NOVEMBER 13, 2009

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a special use permit located on the south side of E. H. Crump Boulevard, ±252 feet west of Mississippi Blvd., containing 0.40 acre in the Local Commercial (C-L) District. (Held from 11/17)

Morrison

Case No. SUP 09-213

Applicant: Yemaj & Mohamed Abbas

Request: Motor Vehicle Sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

5. ORDINANCE rezoning the south side of Frayser Boulevard, 150 feet west of Thomas Street, containing 3.49 acres in the Multiple Dwelling Residential (R-MM) District, up for T H I R D and F I N A L reading.

Morrison

Case No. Z 09-104

Ordinance No. 5336

Applicant: Christ Community Health Services, Inc.
Ralph Smith, ETI Corp. – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

45 NOTICES MAILED ON NOVEMBER 13, 2009

6. ORDINANCE rezoning the northeast corner of Lamar Avenue and Tuggle Road, containing 18.77 acres in the Highway Commercial (C-H) District, up for T H I R D and F I N A L reading.

Morrison

Case No. Z 09-106

Ordinance No. 5337

Applicant: Harbin Enterprises GP
Philip Jones – Representative

Request: Rezoning from Highway Commercial (C-H) District to Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

18 NOTICES WERE MAILED ON NOVEMBER 13, 2009



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

7. **ORDINANCE** to establish meeting dates for City Council Meetings in 2010, up for S E C O N D reading.

Collins

Ordinance No. 5338

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

8. **ORDINANCE** rezoning the southwest corner of Shelby Drive and Riverdale Road, containing +1.75 acres in the Multiple Dwelling Residential (R-ML) District, up for F I R S T reading.

Morrison

Ordinance No. 5339

Case No. Z 09-105

Applicant: Capleville United Methodist Church
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned Commercial (C-P) with a site plan for a CVS Pharmacy

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend the text of the Zoning Ordinance. The following item was heard and unanimously approved by the Land Use Control Board on November 12, 2009, up for F I R S T reading.

Morrison

Ordinance No. 5340

Case No. ZTA 09-002cc

Request: Amend the Memphis and Shelby County Zoning Ordinance Regulations as follows:

1. Amend Appendix A, Zoning Section 2 to add new definitions for "Family Recreation Center" and "Park".

2. Amend Chart I, Footnote 18, requiring adult entertainment to be located a minimum distance of 1,500 feet from certain identified uses to add "Family Recreation Center" as one of the identified uses.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING

10. RESOLUTION accepting SAVE-A-LOT SUBDIVISION, and authorizing release of bond.

Case No. S 06-029
(Contract No. CR-5079)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast side of Delta Road near Third Street. The standard improvement contract was approved on September 6, 2005. Resolution also authorizes the release of the cashier's check in the amount of \$124,500.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of GENA L. ROBERTS S/D.

Case No. S 08-015cc

Resolution approves the final plat located on the northside of Fite Rd., 2,636' west of Rust Rd. Cost of the required improvements to be borne by the Developer. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

12. NOTATIONS from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 09-321 – MEMPHIS BUILDERS' EXCHANGE PLANNED DEVELOPMENT

Located on the southeast corner of South Cooper and Cowden Avenue, containing 0.47 acre (20,430 sq. ft.) in the Highway Commercial (C-H) and Duplex Residential (R-D) Districts

Applicant: Memphis Builders' Exchange



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MLGW FISCAL CONSENT

13. RESOLUTION approving Change No. 5 to Contract No. 9547, IBM Maintenance, with International Business Machines (IBM), in the funded amount of \$68,629.00. (This change includes software and maintenance for the first year with the maintenance period being December 1, 2009 to November 30, 2010).
14. RESOLUTION approving Change No. 6 to Contract No. 10765, Private Label Service Agreement, with Aclara Software in the funded amount of \$20,550.00, for a new contract value of \$1,184,588.25. (This change is due to the change of the electronic bill presentment and payment vendor).
15. RESOLUTION awarding Contract No. 11309, Installation of Ground Wells at Collierville Gate No. 86, to M & W Drilling, LLC, in the funded amount of \$27,500.00.
16. RESOLUTION awarding Contract No. 11354, Drilled Pier Installation Substation 23, to Chris Hill Construction Company in the funded amount of \$51,300.00.
17. RESOLUTION awarding Contract No. 11367, Solid Waste and Trash Removal Services, to Waste Connections of Tennessee, Inc. in the funded amount of \$636,036.52.
18. RESOLUTION awarding Contract No. 11373, North Service Center Ethanol Storage Tank and Dispenser System, to Cobb Environmental and Technical Services, Inc. in the funded amount of \$69,000.00.
19. RESOLUTION approving Change No. 6 to Contract No. 10977, Tires and Tire Service, with Southern Tire Mart, LLC, in the funded amount of \$511,290.16. (This change extends the current contract for 12 months, January 1, 2010 to December 31, 2010, to allow time to revise specifications and to re-bid the contract).
20. RESOLUTION approving Change No. 4 to Contract No. 11080, Managed Prescription Drug Program, with Express Scripts, Inc. in the funded amount of \$14,030,681.00. (This change extends the service and includes the implementation of new financial terms effective January 1, 2010 to December 31, 2010, with estimated projected savings of \$525,802.00. Further, the contract will automatically renew with the same terms and conditions for successive one-year renewal terms, subject to the right of termination as otherwise provided. Also, Express Scripts will provide services to MLGW for the Retiree Drug Subsidy).

21. RESOLUTION approving Change No. 4 to Contract No. 11096, Mobile Sweeping Cleaning, with Horizon of Memphis, Inc. in the funded amount of \$71,400.00. (This change renews the contract for the fourth and final renewal term, March 1, 2010 to February 28, 2011, and represents a 2.47% decrease from the previous year.)
22. RESOLUTION approving Change No. 2 to Contract No. 11099, AT&T Voice and Data Services, with AT&T Business Systems in the funded amount of \$594,000.00. (This change renews the contract for the second and final renewal term, January 1, 2010 to December 31, 2010, with no increase in rates).
23. RESOLUTION approving Change No. 3 to Contract No. 11107, Electronic Bill Presentment and Payment Services, with Kubra Data Transfer, Ltd. in the funded amount of \$80,000.00. (This change extends the current term until April 30, 2010 with no increase in rates).
24. RESOLUTION approving Change No. 5 to Contract No. 11121, Customer Satisfaction Survey Process, with Renee Enterprises in the funded amount of \$35,334.00. (This change renews the contract for the third of four renewal terms, January 1, 2010 to December 31, 2010, with no increase in rates).
25. RESOLUTION approving Change No. 2 to Contract No. 11173, Weld Testing and Inspection Services, with American Industrial Testing in the funded amount of \$24,125.00, for a new contract value of \$70,500.00. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, with no increase in rates).
26. RESOLUTION approving Change No. 2 to Contract No. 11202, Administrative Services Agreement between MLGW and United Healthcare, in the funded amount of \$33,938,534.00. (This change extends the service covering the period January 1, 2010 to December 31, 2010 and includes the implementation of new financial terms).
27. RESOLUTION approving Change No. 2 to Contract No. 11209, Mobile Document Shredding Service, with Vital Records Control in the funded amount of \$48,075.12. (This change renews the contract for the second, third and fourth renewal terms, January 4, 2010 to January 3, 2013, in an annual amount of \$16,025.04 and reflects size of bins and reduced number of rotations at some locations which resulted in a price change and no increase in rates).
28. RESOLUTION approving Change No. 2 to Contract No. 11214, Information Services Support, with Delta Consulting in the funded amount of \$193,440.00. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, which represents a 38.05% decrease from the previous year).
29. RESOLUTION approving Change No. 3 to Contract No. 11217, Temporary Services, with Manpower, Inc. in the funded amount of \$184,866.40. (This change renews the contract for the third of four renewal terms, January 1, 2010 to December 31, 2010, with no increase in rates from the previous year).
30. RESOLUTION approving Change No. 3 to Contract No. 11220, Temporary Services, with Kelly Services, Inc. in the funded amount of \$674,912.00. (This change renews the contract for the third of four renewal terms, January 1, 2010 to December 31, 2010, with a 1.54% increase in rates due to the mandated State Unemployment Taxes (SUTA)).

31. RESOLUTION approving Change No. 1 to Contract No. 11232, Medical Insurance Plan, with Cigna Insurance Company in the funded amount of \$8,359,113.00. (This change reflects the first of four renewal terms covering the period January 1, 2010 to December 31, 2010, with a 16% increase in contract value and a 10% premium increase from the previous year).
32. RESOLUTION approving Change No. 1 to Contract No. 11233, Employee Benefit Dental Plan, with Delta Dental of Tennessee in the funded amount of \$1,857,104.00. (This change extends the service and reflects the first of four renewal terms covering the period January 1, 2010 to December 31, 2010 and includes the implementation of new financial terms).
33. RESOLUTION approving Change No. 1 to Contract No. 11250, Waste Management Services, with Pollution Control Industries in the funded amount of \$175,000.00. (This change renews the contract for the first of four renewal terms, January 1, 2010 to December 31, 2010, with a 12.50% decrease from the previous year).
34. RESOLUTION approving Change No. 2 to Contract No. 11266, Information Services Support, with Zycron in the funded amount of \$185,000.00. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, with a 28.72% decrease from the previous year).
35. RESOLUTION approving Change No. 2 to Contract No. 11267, Information Services Support, with Stragistics Technology in the funded amount of \$209,865.74. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, with a 10.41% decrease from the previous year).
36. RESOLUTION approving Change No. 3 to Contract No. 11268, Information Services Support, with Nex Tech Solutions in the funded amount of \$551,224.20. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, with a 24.38% decrease from the previous year).
37. RESOLUTION approving Change No. 3 to Contract No. 11269, Information Services Support, with Software Resource Consultants in the funded amount of \$290,000.00. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, with a 0.62% increase from the previous year due to resources that were allocated as a part-time resource in 2009 will be used as a full-time resource in 2010).
38. RESOLUTION approving Change No. 2 to Contract No. 11270, Information Services Support, with Cook Systems International in the funded amount of \$52,520.00. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, with a 79.24% decrease from the previous year).
39. RESOLUTION approving Change No. 3 to Contract No. 11271, Information Services Support, with TEK Systems in the funded amount of \$892,056.00. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, with a 2.98% increase from the previous year due to additional hours allocated to technical resources with expertise in network security, network infrastructure and Linux operating systems).

40. RESOLUTION approving Change No. 3 to Contract No. 11272, Information Services Support, with Ciber, Inc. in the funded amount of \$708,240.00. (This change renews the contract for the second of four renewal terms, January 1, 2010 to December 31, 2010, with a 16.45% increase from the previous year due to resources that were allocated as a part-time resource in 2009 will be used as a full-time resource in 2010).
41. RESOLUTION approving Change No. 1 to Contract No. 11303, Medical Insurance Plan, with Aetna Insurance Company in the funded amount of \$1,051,390.00. (This change renews the contract for the first of four renewal terms covering the period January 1, 2010 to December 31 2010, with a 2.75% increase in contract value and a 19.8% premium increase from the previous year).
42. RESOLUTION approving Change No. 1 to Contract No. 11320, Local Dial Tone Services, with Paetec in the funded amount of \$9,750.00, for a new contract value of \$201,750.00. (This change covers installation of an additional T1 facility at 1665 Whitten Road to increase the capacity of outbound calling).
43. RESOLUTION awarding contract for MDS master radios to Edison Automation in the amount of \$36,250.00.
44. RESOLUTION awarding contract for one channel pump to Dickow Pump Company, Inc. in the amount of \$36,254.00.
45. RESOLUTION awarding contract for one power circuit breaker to Siemens c/o Utility Sales Agency, LLC, in the amount of \$37,995.00.
46. RESOLUTION awarding contract for two Ethernet security appliances to CipherOptics in the amount of \$49,090.00.
47. RESOLUTION awarding contract for one gas chromatograph to Daniel Measurement and Control in the amount of \$64,335.00.
48. RESOLUTION awarding contract for web application security gateway upgrade to Fishnet Security in the amount of \$106,175.00.
49. RESOLUTION awarding contract for load balancer solution to Venture Technologies in the amount of \$114,991.50.
50. RESOLUTION awarding 60-month blanket contract for maintenance and support of MLGW's document imaging system to Imaging Solutions and Services, Inc. in the amount of \$181,489.97.
51. RESOLUTION awarding 36-month blanket contract for customer utility bill paper to Workflowone in the amount of \$281,166.76.
52. RESOLUTION authorizing payment of Louisiana Trunkline Personal Property Taxes for the Gas Division in the amount of \$252,587.53.
53. RESOLUTION to ratify agreement between MLGW and TCI of Alabama, LLC, to authorize payments to TCI for PCB testing and disposal.

Powers-Hill Design, LLC - Representative

Request: Planned development to combine two (2) adjacent parcels to allow additional parking at the east side of the building

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 09-324 – FIELDSTONE PLANNED DEVELOPMENT, 3RD AMENDMENT

Located on the west side of Hacks Cross Road +/-225' @ T & B Boulevard, containing 5,500 sq. ft. of 6.18 acres and is currently governed by Fieldstone Planned Development, 2nd Amendment (P.D. 08-337)

Applicant: Tower Ventures V, LLC
Prime Development Group, Inc. – Representative

Request: Planned development amendment to Parcel 'C' to allow a cellular communications tower one-hundred fifty (150) feet in height designed as a flag pole to be located to the rear of Players Crossing Shopping Center

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 09-325

Located on the northeast corner of Whitten Road and Captains Rite Cove, containing 1.53 acres in PD 03-347

Applicant: Scott D. Marshall

Request: Automotive Sales and Service

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 15, 2009



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REGULAR AGENDA

GENERAL ORDINANCES -THIRD AND FINAL READING

54. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish requirements for a City of Memphis Fleet and Employee Take Home Vehicles, up for T H I R D and F I N A L reading. (Held from 8/4; 8/18; 9/1; 9/15)

Flinn

Ordinance No. 5323

ACTION REQUESTED: Take whatever action Council deems advisable

55. **ORDINANCE** fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7; 7/21; 8/4; 8/18; 9/1; 9/15; 10/6; 11/3; 11/17)

Lowery

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

56. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for T H I R D and F I N A L reading.

Boyd

Ordinance No. 5331

ACTION REQUESTED: Take whatever action Council deems advisable

57. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to amend certain sections of Ordinance No. 5217, Article III of the Code of Ordinances regulating Junk and Scrap Metal Dealers, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5332

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

58. RESOLUTION amending the 2010 CIP budget by transferring an allocation of \$175,000.00 from FS02014 Fire Station #57 and \$75,000.00 from FS02010 Fire Station #22 to FS02018 Countrywood Eads Berryhill Fire Station. The resolution further amends the 2010 CIP budget by appropriating \$650,000.00 in G.O. Bonds and Land Acquisition in FS02018 Countrywood Eads Berryhill.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

59. RESOLUTION authorizing the sale of the following City owned parcels to participants of Diversity Developer Incubator Initiative: Tate Avenue & Walnut Street – (011031 00008) Downtown/Medical District, in the amount of \$1.00.

Ford

ACTION REQUESTED: Adopt the resolution

60. RESOLUTION authorizing the sale of the following City owned parcels to participants of Diversity Developer Incubator Initiative: Redbud Road & Charlotte Road – (075058 00008); (075058 00009); (075058 00010); (075058 00011) – Whitehaven/Levi Planning District, in the amount of \$1.00.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

61. RESOLUTION approving the budgets for the Electric, Gas and Water Divisions for the 2010 Operation and Maintenance Expenses and the 2010 Capital Expenditures. (Held from 11/17).

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

62. RESOLUTION requesting City Council approval to amend the Division of Park Services Operations' Department FY 2010 Operating Budget by \$4,085.00 to include a grant received from the Cargill Cotton Citizenship Team to repair damaged playground equipment at various City park locations.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

63. RESOLUTION approving the issuance of Airport Revenue Bonds, not to exceed \$70,000,000.00, for New Parking Garage Complex and Other Airport Improvements.

Boyd

ACTION REQUESTED: Adopt the resolution

64. RESOLUTION approving the issuance of Airport Authority Refunding Revenue Bonds, not to exceed \$300,000,000.00, to Refinance Existing Debt for Interest Rate Savings.

Boyd

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

65. RESOLUTION approving a Hotel/Motel Waiver for Splendid Hospitality, located at 6101 Shelby Oaks Drive.

Morrison

Case No. HMW 09-04

ACTION REQUESTED: Adopt the resolution

66. RESOLUTION authorizing the issuance and sale of not to exceed Six Hundred Million Dollars (600,000,000.00) Principal Amount of Electric System Revenue Refunding Bonds, Series 2009.

Ware

ACTION REQUESTED: Adopt the resolution

67. **ORDINANCE** to amend Chapter 25, Section 15-181 so as to revise and clarify sections of the pension and retirement plan, up for F I R S T reading.

Consent

Ordinance No. 5341

ACTION REQUESTED: Adopt the ordinance on First reading

68. RESOLUTION congratulating Deidra Shores.

Lowery

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – approved
3. Approved, as amended
4. Through 11- Approved
12. Public Hearing set for December 15, 2009
13. Through 53 – Approved
54. Held to January 12, 2010
55. and 56 – Held to December 15, 2009
57. Through 60 – Approved
61. Approved, as amended
62. Through 68 – Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 17, 2009

Approved

**ACTION TAKEN ON THE MINUTES OF DECEMBER 1, 2009 FOR ITEM #53 and
ITEM #66**

Approved, set up as Special Item #2